

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Salvatore LO PRESTI et al.

Conf. 3504

Application No. 10/527,325

Group 1711

Filed October 28, 2005

Examiner Gennadiy Mesh

PET ARTIFICIAL AGGREGATE FOR THE PREPARATION
OF LIGHTENED CONCRETE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 29, 2008

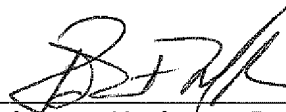
Applicants request a pre-appeal brief review of the final rejection in the above-identified application. No amendments are being filed with this request.

A Notice of Appeal is filed herewith.

The review is requested for the reasons advanced on the attached sheets.

Respectfully submitted,

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REASONS IN SUPPORT OF REQUEST FOR REVIEW

A pre-appeal brief review is respectfully requested because the rejections include at least a clear factual error, or in the alternative, a clear legal error, as explained below.

Claims 14, 15, 17, and 19 are not rendered obvious over BARROW WO 01/55051 ("BARROW") in view of BALKUM 2002/0050233 ("BALKUM").

The position of the Official Action is that it would have been obvious to one of ordinary skill in the art to adjust "temperature in a process of BARROW to the range of 250°C to 260°C ... in order to obtain aggregates from PET with sand particles bonded to the surface by [the] method taught by BALKUM".

However, the proposed combination fails to teach the recited features of independent claim 14. Indeed, the Official Action fails to address the following features required by independent claim 14:

- (1) reducing PET material into flakes, as recited in step a) and shown in Figure 3,
- (2) subjecting flakes to a thermal and mechanical process by placing flakes in a ventilated oven for time sufficient for the flakes to curl, as

illustrated by Figure 4, and their surfaces to soften as recited in step b),

(3) applying a vibratory and rotational movement to obtain flake aggregates, as recited in step b), and illustrated in Figure 2, and

(4) compressing the flake aggregates formed in step b) to form PET granules, as recited in step c), and illustrated in Figure 5.

BARROW discloses three methods for heating and fusing/adhering granulated plastic material to form aggregates: passing a mixture from a hopper into a heated pressure chamber (page 7), injection molding to generate some melt and soften the remainder of the material (page 12), and calendaring to generate some melt and soften the remainder of material (page 12). BARROW discloses that calendaring process, in particular, tolerates such impurities as sand. See, lines 21-22 on page 12.

BALKUM discloses a heating from 120°C to 480°C for impregnating plastic particles with sand, optionally reinforcement fibers, and, if desired, creating voids in the plastic particles, e.g., as shown in Figures 1, 2, and 3, respectively. These sand-impregnated plastic particles, or aggregates, are subsequently adhered together via an adhesive to form a structure, e.g., as shown in Figure 5. See, e.g., paragraphs 43, 44 and 45.

Accordingly, at best, the proposed combination teaches thermally treating granulated plastic material between two rollers (i.e. calendaring) at temperature from 120°C to 480°C to impregnate sand into the plastic material, which includes melting at least a portion of the plastic material, and fusing the plastic material together.

Thus, the proposed combination fails to teach the features of (1)-(4) above, e.g., softening and curling flakes, utilizing vibratory and rotational movement to form flake aggregates, and compressing such aggregates to form granules, as required by the method of claim 14, as well as the resulting PET granules as required by claims 15, 17, and 19.

Therefore, the proposed combination fails to render obvious claims 14, 15, 17, and 19.

Claims 16, 18 and 20 are not rendered obvious over BARROW in view of BALKUM, further in view of FONG US 6,368,682 ("FONG").

BARROW and BALKUM are offered for the reasons discussed above. The Official Action states that the combination fails to teach surface treatment of PET "flakes" with flaming.

FONG is offered for teaching priming or flaming the surface of PET to provide improved adhesion.

The position of the Official Action is that it would have been obvious to add a step of flame treatment of the PET

surface as taught by FONG, before applying sand to PET flake aggregates in order to improve bonding of sand to PET in a method taught by BARROW in view of BALKUM.

However, regardless of the ability of FONG to teach that for which it is offered FONG cannot remedy the deficiencies of BARROW and BALKUM for reference purposes.

For example, the Official Action appears to suggest that claim 16 is directed to subjecting PET "flakes" or "flake aggregates" to flaming.

However, claim 16 is directed to treating PET granules, i.e., compressed flake aggregates as defined by independent claim 14.

Moreover, BARROW in view of BALKUM, as discussed above, teaches impregnating sand during heat treatment of the granulated material to form a fused material. Accordingly, BARROW in view of BALKUM further in view of FONG cannot teach flaming and rolling on sand after granule formation.

Thus, as claim 16 requires flaming and rolling on sand after the formation of a granule, or compressed flake aggregate, not during the thermal and mechanical treatment of the flakes, the proposed combination fails to teach the features of claim 16. Likewise, as claims 18 and 20 are sand coated granules, i.e., compressed flake aggregate, according to claim 16, not fused material that has been sand-impregnated, the proposed combination fails to teach the features of claims 18 and 20.

Therefore, the proposed combination cannot render obvious claims 16, 18, and 20.

Conclusion

As shown above, the rejections of record include clear factual and/or legal errors and should be withdrawn and this application allowed, and such is respectfully requested.